

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FREDERICK WAYNE SMITH,

Plaintiff,

v.

KATHLEEN ALLISON, et al.,

Defendants.

Case No. 1:22-cv-01580-JLT-SAB (PC)

ORDER VACATING SETTLEMENT
CONFERENCE, LIFTING STAY OF CASE,
AND DIRECTING CLERK OF COURT TO
ISSUE THE DISCOVERY AND
SCHEDULING ORDER

(ECF Nos. 24, 25)

Plaintiff Frederick Wayne Smith is proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On June 15, 2023, the Court issued an order referring this case to the Court's Alternative Dispute Resolution Program, set the case for a settlement conference on September 12, 2023, before Magistrate Judge Barbara A. McAuliffe, and stayed the case. (ECF No. 24.) The Court advised defense counsel that counsel could opt-out of the settlement conference with thirty days.

On June 19, 2023, Defendant filed a motion to opt-out of the settlement conference because after investigation they believe a settlement conference would be unproductive at this time. (ECF No. 27.)

Accordingly, it is HEREBY ORDERED that:

1. The settlement conference set for September 12, 2023, before Magistrate Judge Barbara A. McAuliffe is VACATED;

2. The stay of this case is lifted; and
3. The Clerk of Court shall issue the discovery and scheduling order.

IT IS SO ORDERED.

Dated: June 20, 2023

A handwritten signature in blue ink, appearing to read "James A. Be...", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE